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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3329 OF 2005
IN
INCOME TAX APPEAL (LOD) NO.1422 OF 2005

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.Gini Tex Ltd. ..Respondent.

Mr.B.M.Chatterji with Mrs.P.P.Bhosale and P.S. Shahadevan for appellant.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 19TH SEPTEMBER, 2007.

P.C. :-

There is a delay of 510 days in preferring the appeal. From the additional affidavit filed by Mr.Vivek Verma, Asst. Commissioner of Income Tax, we find that the file was sent to the Law Ministry on 20/5/2004. The order of the I.T.A.T was passed on 16/1/2004. The relevant folder of appeal was handed over to the designated advocate on 23/6/2004. The judicial folder along with draft and appeal was received from the advocate only on 13/7/2005. There is no explanation whatsoever for the delay from 23/6/2004 to 13/7/2005. In our opinion therefore, the cause shown would not amount to sufficient cause. Hence motion is dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**